UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,492	12/21/2001	Jewel Tsai	112.P55007	4499

25096   7590   12/07/2007
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
12/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/024,492	TSAI ET. AL.
	Examiner	Art Unit	
	Negussie Worku	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *23 October 2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *22-47* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *22-47* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *21 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 22-47 are currently pending in this application. Original claims 1-21, have

been cancelled by applicant's amendments. Newly submitted claims 45 through 47 are

examined.

Response to Arguments

2.   Applicant's arguments filed 10 / 23/ 2007, have been fully considered but they

are not persuasive.

Regarding claims 22, the Applicant alleged that the combination of the reference

cited fails to show or suggest, "automatically detecting a plurality of communication

gateways and determining a plurality of the communication gateways" as currently

amended in claims 30, 31, 38 and 45 respectively. In response, the Examiner

respectfully disagrees because the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary

reference; nor is it that the claimed invention must be expressly suggested in any one or

all of the references. Rather, the test is what the combined teachings of the references

would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d

413, 208 USPQ 871 (CCPA 1981). In this case, the Examiner asserts that the

combination of Motoyama (628) and Otsuka (674) when considered as a whole clearly

teaches that " automatically detecting a plurality of communication gateways and

determining a plurality of the communication gateways " as currently amended in claims

30, 31, 38 and 45 are well-known in the art at the time of the invention was made. In

particular, Otsuka (628), clearly suggested the advantage of combining the two

references, in order to have a communication with different communication protocol at

the same time, and it would have allowed users to determine the communication

protocol and format of the incoming and outgoing communication, so that it is parsed

according to format which has been determined. Furthermore, Otsuka (628) teaches as

discussed in col.12, lines 55-60, automatically detecting the plurality of communication

gateways, and is further capable of determining a priority of each of the plurality of

communication, at least two communication routes, that is by establishing a priority of

route of transmission between either the internet 31 or the public communications

switched network 32, and therefore, in view of the above, having the system of

Motoyama (628) and then given the well- established teaching of Otsuka (674), the

Examiner asserts that it would have been obvious to one having ordinary skill in the art

at the time of the invention was made to modify for the purpose of having a

communication with different communication protocol at the same time, and it would

have allowed users to determine the communication protocol and format of the

incoming and outgoing communication, so that it is parsed according to format which

has been determined.

Finally, it should be clear to one skilled in the art that anyone of a wide variety of

communication devices can be similarly employed to accomplish this desired result

without depending from the teaching of the present invention.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this
> title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 22 through 44 are rejected under 35 U.S.C. 103 (a) as being

unpatentable over Montoya, (USP 6,330,628), in view of Otsuka et al., (USP

6,700,674).

        With respect to claim 22, Motoyama teaches a facsimile system (as shown in fig

2) comprising: an optical scanning device having a facsimile button (a copier/facsimile

device of fig 1, having a button col.5, lines 37-44), a computer (26 of fig 1) having a

communication port connected to said optical scanning device (scanner 194 of fig 3, via

system bus 186 of fig 3) and a plurality of communication gateways (multi-port

communication interface 166 of fig 3, col.6, lines 19-25) connected to said computer

(170 of fig 3); and a facsimile (fig 1) module having a driver, (CPU 160 of fig 3) a

communication management program (col.5, lines 22-29, a read only memory 164

stores the program code used to run the system as shown in fig 3, col.5, lines 25-30),

are each used to initiate or drive by association with respective hard ware and software

application of computer system (a control system 26 of fig 1, is includes a hardware

found in general purpose computer, col.4, lines 27-34), and a communication subroutine

capable supporting said communication gateways, gateway (multi-port communication

I/F 166 of fig 4, which includes 224, 226, 228 and 230 fig 4, communication device 159

of fig 7, may be modem or network).

Although Motoyama teaches the communication management program (as

shown in fig 3, a read only memory 164 stores the program code used to run the

system, col.5, lines 25-30), Motoyama fail expressly to teach automatically detecting the

plurality of communication gateways, and is further capable of determining a priority of

each of the plurality of communication gateways.

Otsuka et al., in the same area of facsimile communication apparatus (as shown

in fig 1), teaches automatically detecting the plurality of communication gateways, and

is further capable of determining a priority of each of the plurality of communication

gateways (at least two communication route, col.12, lines 55-60).

Therefore, it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to have modified the imaging apparatus of Motoyama

to include: automatically detecting the plurality of communication gateways, and is

further capable of determining a priority of each of the plurality of communication

gateways.

It would have been obvious to a person with ordinary skill in the art at the time

the invention was made to have modified Motoyama's communication system by the

teaching of Otsuka (674) for the reason that in order to have a communication with different communication protocol at the same time, and it would have allowed users to determine the communication protocol and format of the incoming and outgoing communication, so that it is parsed according to format which has been determined.

With respect to claim 23, Motoyama teaches a facsimile system (fax system of fig 1) wherein said facsimile button is a button (button of fig 1, on operation panel).

With respect to claim 24, Motoyama teaches a facsimile system (fax system of fig 1) wherein said facsimile button is a click button (button of fig 1, on operation panel).

With respect to claim 25, Motoyama teaches a facsimile system (fax system of fig 1) wherein said communication gateway is a modem (RS-232 interface 228 of fig 4).

With respect to claim 26, Motoyama teaches a facsimile system (fax system of fig 1) wherein said communication gateway is an Internet connection, (LAN interface 230 of fig 4).

With respect to claim 27, Motoyama teaches a facsimile system (fax system of fig 1), wherein said communication management program (CPU 160 of fig 3) is capable of determining the type of said communication gateways, (interface 224 226, 228 and 230

of fig 4) and is further capable of establishing a connection from said communication

subroutine (170, 168A, 168B of fig 4) to one or more of said communication gateways.

With respect to claim 28, Motoyama teaches facsimile system (system of fig 1),

wherein said communication management program is capable .of detecting the

availability of said communication gateways (interface 220 of fig 4) and is therefore

capable of determining the type of said communication gateways (col. 6, lines 30-35).

With respect to claim 29, Motoyama (628) teaches a facsimile system (fax system

of fig 1), wherein said communication management program is capable of detecting the

availability and data transmission rate of said communication gateways (interface

shown in fig 4) and is further capable of determining a communication gateway with the

highest data transmission rate (col. 6, lines 30-35).

With respect to claim 30, Motoyama (628) teaches a facsimile system (as shown

in fig 1), comprising: a driver capable of driving a scanner to acquire an image of a

document (CPU 160 of fig 3, drive the copy machine of fig 1); an Internet

communication program (LAN interface of fig 4) capable of transmitting information via

Internet (via 170 of fig 4); a MODEM communication program (RS-232 interface of fig

4); an ISDN communication program (ISDN interface 226 of fig 4); and a communication

management program, (col.5, lines 21-29) capable of selecting a communication gate

from the plurality of detected communication gateways (multi communication interface 166 of fig 4) interface capable of establishing a connection from a communication subroutine to said selected communication gateway capable of executing said driver for acquiring said image, (scanned image by scanner 194 of fig 3) capable of storing said image and further capable of activating said communication subroutine to conduct facsimile function (fig 1).

Although Motoyama teaches the communication management program (as shown in fig 3, a read only memory 164 stores the program code used to run the system, col.5, lines 25-30), Motoyama fail expressly to teach determining a priority of each of the plurality of communication gateways.

Otsuka et al., in the same area of facsimile communication apparatus (as shown in fig 1), teaches determining a priority of each of the plurality of communication gateways, (at least two communication route, col.12, lines 55-60).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Motoyama to include: determining a priority of each of the plurality of communication gateways.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Motoyama's communication system by the teaching of Otsuka (674) for the reason that in order to have a communication with different communication protocol at the same time, and it would have allowed users to determine the communication protocol and format of the incoming and outgoing communication, so that it is parsed according to format which has been determined.

With respect to claim 31, Motoyama teaches a method, (fig 1-4) comprising:

detecting a plurality of communication gateways, (multi-port communication I/F 166 3

and 4, which includes 224, 226, 228 and 230 fig 4), receiving an indication to activate a

facsimile operation, (step 302, receive initial communication   wherein the indication

activate the facsimile operation is received in response at least is part to a user, col.11,

lines 15-20) pushing a facsimile button (operation panel 174 including copy button) on a

scanner, col.5, lines 35-44); automatically performing the facsimile operation,

(operational panel 174 of fig 3) wherein the facsimile operation comprises delivering an

image captured at the scanner to a receiving device coupled to one of the detected

communication gateways (multi-port communication I/F 166 3 and 4, which includes

224, 226, 228 and 230 fig 4).

Motoyama fail expressly to teach determining a priority of each of the plurality of

communication gateways. Otsuka et al., in the same area of facsimile communication

apparatus (as shown in fig 1), teaches determining a priority of each of the plurality of

communication gateways, (at least two communication route, col.12, lines 55-60).

Therefore, it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to have modified the imaging apparatus of Motoyama

to include: determining a priority of each of the plurality of communication gateways.

It would have been obvious to a person with ordinary skill in the art at the time

the invention was made to have modified Motoyama's communication system by the

teaching of Otsuka (674) for the reason that in order to have a communication with

different communication protocol at the same time, and it would have allowed users to determine the communication protocol and format of the incoming and outgoing communication, so that it is parsed according to format which has been determined.

With respect to claim 32, Motoyama teaches a method, (fig 1-4), further comprising receiving a phone number (telephone line 268a of fig 4) associated with the receiving device, (col.5, lines 33-35).

With respect to claim 33, Motoyama teaches a method (fig 1-4), wherein receiving a phone number associated with the receiving device comprises receiving the phone number from the scanner (copier 6 and 8 of fig 1)

With respect to claim 34, Motoyama teaches a method, (fig 1-4), wherein receiving a phone number associated with the receiving device comprises prompting the user and receiving an input from the user, (col.5, lines 33-35).

With respect to claim 35, Motoyama teaches a method, (fig 1-4), wherein detecting a plurality of communication gateways comprises detecting a MODEM. (228 of fig 4)

With respect to claim 36, Motoyama teaches a method, (fig 1-4), wherein detecting a plurality of communication gateways comprises detecting (26 of fig 1) detect the connection) an Internet connection (col.4, line 27-34).

With respect to claim 37, Motoyama teaches a method, (fig 1-4), further comprising detecting transmission rates for the plurality of communication gateways (224, 226, 228, 230 of fig 4).

With respect to claim 38, Motoyama teaches an article, (fig 1-4), comprising: a storage medium (164 of fig 3) having stored thereon instructions, (col.5, lines 25-30) that, if executed, result in: detecting a plurality of communication gateways 9224, 226, 227, 228 of fig 4, col.5, lines 33-35); receiving an indication to activate a facsimile operation, (operational panel 174 of fig 3) wherein the indication activate the facsimile operation is received in response at least is part to a user pushing a facsimile button on a scanner (a copy button keys to control the operation of the copier 8 and 9); automatically performing the facsimile operation, wherein the facsimile operation comprises delivering an Image captured at the scanner to a receiving device (col.5, lines 37-41).

Motoyama fail expressly to teach determining a priority of each of the plurality of communication gateways. Otsuka et al., in the same area of facsimile communication apparatus (as shown in fig 1), teaches determining a priority of each of the plurality of communication gateways, (at least two communication route, col.12, lines 55-60).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Motoyama to include: determining a priority of each of the plurality of communication gateways.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Motoyama's communication system by the teaching of Otsuka (674) for the reason that in order to have a communication with different communication protocol at the same time, and it would have allowed users to determine the communication protocol and format of the incoming and outgoing communication, so that it is parsed according to format which has been determined.

With respect to claim 39, Motoyama teaches an article, (fig 1-4), wherein .the storage medium (164 of fig 3) has stored thereon further instructions, that, if executed, result in receiving a phone number associated with the receiving device (col.5, lines 25-30).

With respect to claim 40, Motoyama teaches an article, (fig 1-4), wherein receiving a phone number (168 of fig 3, represent a telephone col.5, line 32-34) associated with the receiving device comprises receiving the phone number from the scanner (scanner 194 of fig 3).

With respect to claim 41, Motoyama teaches the article, (fig 1-4), wherein receiving a phone number (168 of fig 3, represent a telephone col.5, line 32-34) associated with the receiving device comprises prompting the user and receiving an input from the user.

With respect to claim 42, Motoyama teaches the article, (fig 1-4), wherein detecting

a plurality of communication gateways comprises detecting a MODEM (modem 228 of

fig 4).

With respect to claim 43, Motoyama teaches an article, (fig 1-4), wherein detecting a

plurality of communication gateways comprises detecting an Internet connection (LAN

interface 230 of fig 4).

With respect to claim 44, Motoyama teaches an article, (fig 1-4), wherein the

storage medium (164 of fig 3) has stored thereon further instructions, that, if executed,

result in detecting transmission rates for the plurality of communication gateways (col.6,

lines 20-30, fig 4).

With respect to claim 45, Motoyama teaches a system, (fig 1-4), a system,

comprising: button (a copier/facsimile device of fig 1, having a button col.5, lines 37-44),

a computer (26 of fig 1); means for determining a priority for each of the detected

communication gateways (col.5, lines 22-29, a read only memory 164 stores the

program code used to run the system as shown in fig 3, col.5, lines 25-30); means for

receiving an indication to activate a facsimile operation, wherein the indication to

activate the facsimile operation is received in response at least in part to a user pushing

a facsimile a button on a scanner (scanner 194 of fig 3, via operation panel of fig 3);

means for performing the facsimile operation; and means for delivering an image

captured by the facsimile operation to a receiving device coupled to one of the detected

communication gateways (multi-port communication I/F 166 of fig 4, which includes 224,

226, 228 and 230 fig 4, communication device 159 of fig 7, may be modem or network).

Although Motoyama teaches the communication management program (as

shown in fig 3, a read only memory 164 stores the program code used to run the

system, col.5, lines 25-30), Motoyama fail expressly to teach automatically detecting the

plurality of communication gateways, and is further capable of determining a priority of

each of the plurality of communication gateways.

Otsuka et al., in the same area of facsimile communication apparatus (as shown

in fig 1), teaches automatically detecting the plurality of communication gateways, and

is further capable of determining a priority of each of the plurality of communication

gateways (at least two communication route, col.12, lines 55-60).

Therefore, it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to have modified the imaging apparatus of Motoyama

to include: automatically detecting the plurality of communication gateways, and is

further capable of determining a priority of each of the plurality of communication

gateways.

It would have been obvious to a person with ordinary skill in the art at the time

the invention was made to have modified Motoyama's communication system by the

teaching of Otsuka (674) for the reason that in order to have a communication with

different communication protocol at the same time, and it would have allowed users to

determine the communication protocol and format of the incoming and outgoing

communication, so that it is parsed according to format which has been determined.

With respect to claim 46, Motoyama teaches the system, (fig 1-4), further

comprising means for receiving a phone number associated with the receiving device,

(scanner 194 of fig 3, via operation panel of fig 3);

With respect to claim 47, Motoyama teaches the system, (fig 1-4), further

comprising means for detecting transmission rates for the plurality of communication

gateways, (col.5, lines 22-29, a read only memory 164 stores the program code used to

run the system as shown in fig 3, col.5, lines 25-30

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Negussie Worku
Examiner
Art Unit 2625

12/03/07

DOUGLAS Q. TRAN
PRIMARY EXAMINER